K St Britain & Ireland

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THE

BEGINING, PROGRESS, AND CONCLUSION

OF THE

LATE WAR,

WITH

OTHER INTERESTING MATTERS CONSIDERED;

AND

A MAP OF THE LANDS, ISLANDS, GULPHS, SEAS, AND FISHING-BANKS, COMPRISING THE COD FISHERY IN AMERICA ANNEXED, FOR THE BETTER EXPLANATION OF SEVERAL PROCEEDINGS RELATIVE TO IT.

MAGNA EST VERITAS, ET PRÆVALEBIT.

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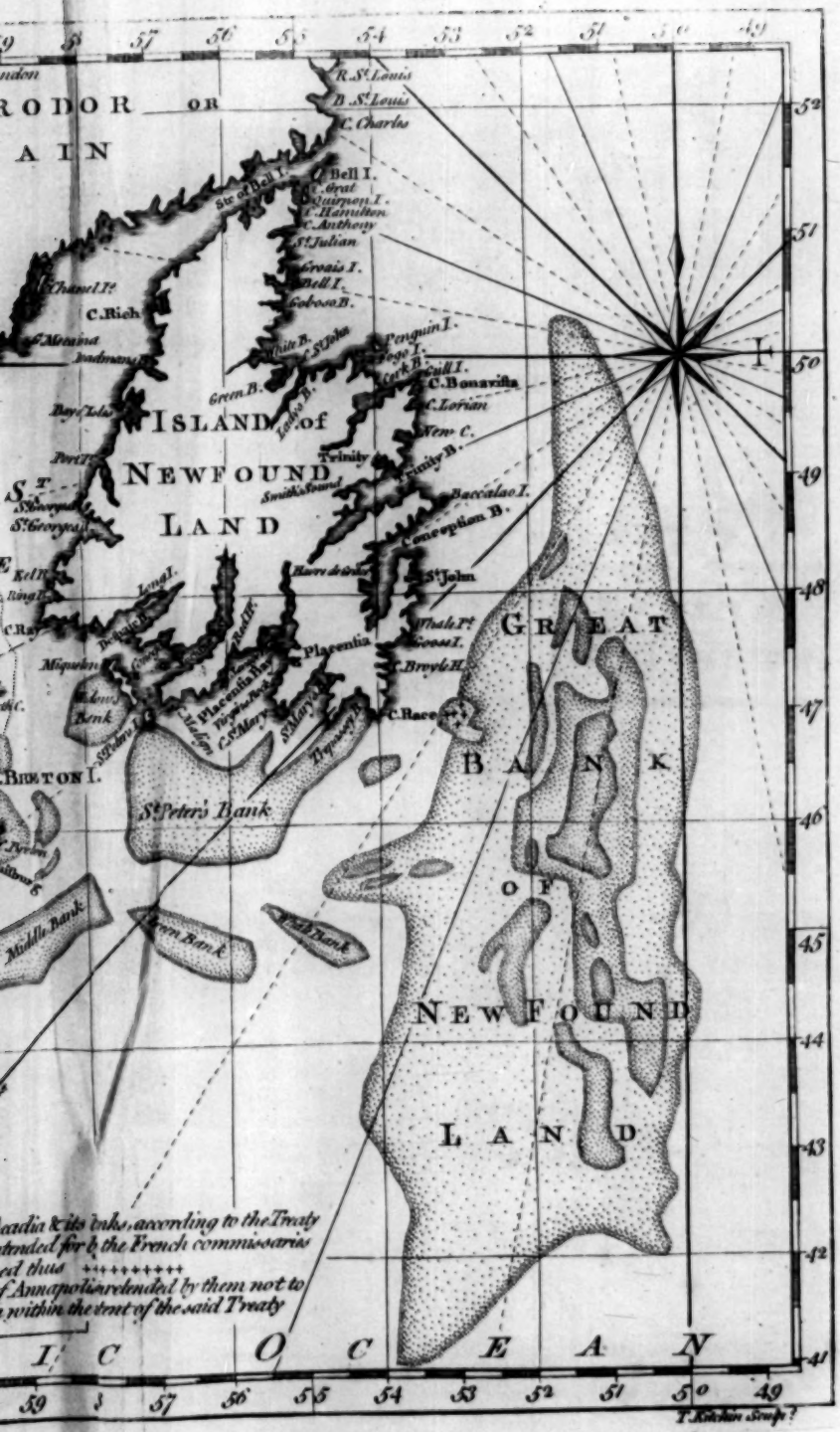
A MAP of the LANDS, ISLANDS, GULF, SEAS, and FISHING BANKS, Comprizing the COD FISHERY in AMERICA.
Longitude West from London
TERRA DE LABROD
NEW BRITA
CANADA
NEW ENGLAND
NOVA SCOTIA
ACADIA
GULF OF ST. LAWRENCE
RIVER ST. LAWRENCE
FUNDY BAY
Seven Isles
Tadoussac
Barnabas I.
Quebec
Chaleur B.
Miramichi B.
Deadbody I.
Magdalen I.
C. Breton
Milford
Annapolis
Pugnico
Sable I.
Sable Id. Bank
Browns Bank
Middle Bank
Canso Bank
Jeffrey's Ledge
York
C. Cod
St. Georges Bank
The limits of Acadia & its
of Utrecht, as contended for
in 1750, &c. marked thus
The district of Annapolis
be part of Acadia within the
marked thus
ATLANTIC



R. St. Louis
B. St. Louis
C. Charles
Bell I.
Str. of Bell I.
Quirpon I.
C. Hamilton
C. Anthony
St. Julian
Groais I.
Bell I.
Goboso B.
C. Rich
Penguin I.
Fogo I.
Cork B.
Gull I.
C. Bonavista
C. Lorian
New C.
Trinity
Trinity B.
Baccalao I.
Conception B.
St. John
Whale Pt.
Goose I.
C. Broyle H.
C. Race
Placentia
Placentia Bay
Green B.
Ladys B.
White B.
St. John
Smith's Sound
Bay of Isles
Port Pt.
St. Georges
Long I.
Miquelon
Bank
St. Peter's Bank
Middle Bank
Green Bank
Wall Bank
BRETON I.
ISLAND of NEWFOUND LAND
GREAT BANK OF NEWFOUND LAND
I
I C O C E A N
T. Kitchin Sculp.

THE

BEGINING, PROGRESS, AND CONCLUSION,

OF THE

LATE WAR, &c.

HISTORY, reaſon, and nature, clearly evince, that empires in courſe decline, when they do not advance in counſel and ſtrength---that the more extenſive they are, the greater care and wiſdom are neceſſary to govern and preſerve them, when compoſed of diſtinct parts diſtant from each other, whoſe ſeparation cauſing deluſive appearance of diſtinct intereſts, tends to promote, on certain occaſions, their diſunion, with their conſequent ſeverance, diſtreſs, and danger, if not their utter ruin---that empires advance in dignity, ſtrength, and ſafety, by obſerving the wiſe and provident counſels given by men of noble minds, endued and inſpirited with public vertue, and public knowledge, the true and only ſources of laſting public felicity---that when through caprice, intrigue, perſonal favour ſupplanting perſonal merit and ability, or other grievous error, the care of the common-wealth is committed to men unqualified for this great and difficult ſervice, public miſchief, diſcord, and danger, do as naturally enſue, as other effects flow from their cauſes---

 that

that in limited monarchies the wiſeſt inſtitutions will not ſuffice to preſerve public liberty free from violation, and the uſual accroachings of power, without the aid of jealouſy, vigilance, and ſpirit in the people, proper for the effectual defence of the public rights, when injured or endangered by ambition, corruption, fraud, or violence---that the power of the common-wealth being in the hands of men prepared for war at the public expence, and ſo many free ſtates having been deſtroyed by the men appointed for their defence, but whoſe ſwords were employed in ſpilling the blood of the moſt noble bodies politic, and the utter overthrow of civil liberty, the ſtricteſt limitations, with their conſtant obſervance in execution, are requiſite to prevent the abuſe of their force, and departure from the intent of their inſtitution, ſo that they, as well as the Prince, may remain *ſub Deo et lege*, and the empire of the laws prevail over all---that without free national election, ancient forms, collected numbers, and other ſpecious appearances, are mere phantaſms of departed freedom---that by concord ſmall things become great; by diſcord the greateſt decline: wherefore a juſt and permanent ſenſe of the ſeveral cauſes of our national diſcord, declenſion, and dangers, foreign and domeſtic, is deſirable, in order to diſcern and apply thoſe ſalutary meaſures which tend to conſerve the ſtate.

With reſpect to our foreign dangers, let us, in order to have a proper ſenſe of them and their cauſes, reflect on our late wars. Spain, by her extravagant claims, repeated inſults, and violation of our *American* rights of commerce and navigation, brought on that which was concluded in 1748. After its continuance ſeveral years, *France*, although the navigation we contended for was to be enjoyed in like manner by other *European* ſtates who had planted colonies in *America*, united with *Spain*, with intent, by their joint force, to diſtreſs and prevail over us, and promote her own intereſt, eſpecially in *America*, where ſhe opened the war by taking *Canſo*, a part of *Nova Scotia*, defended by a ſmall fort

and

and garriſon for the benefit of the *Engliſh* fiſhery: the fort ſhe burnt, and carried the garriſon priſoners to *Louiſburgh*. She then laid ſiege to *Annapolis*, the ſole remaining ſtrength whereby *Nova Scotia* was held; but this, and a ſubſequent attempt, were happily defeated by ſpeedy ſuccours ſent from *Boſton*. For illuſtration in ſeveral reſpects, let it be remembered, that *France*, whoſe policy leads her to conſider the advantages of ſituation, had, from the firſt ſettlement of the *Engliſh* and *French* in *America*, endeavoured to gain *Nova Scotia*, being by ſituation relative to the *Engliſh* and *French* colonies, the cod fiſhery, and the courſe of the *European* ſhips bringing home the *American* produce, deemed by her the key of *North America*, and uſeful to her purpoſe of encreaſing her commerce, dominion, and naval power, and depreſſing thoſe of the *Engliſh*.

In the reign of Queen *Elizabeth*, the ſovereign dominion over the iſland of *Newfoundland*, with that part of the continent firſt called *Arcadia*, thence *Acadia*, and *Acadie*, and afterwards *Nova Scotia*, was by ſolemn proceedings notorious to other *European* princes confirmed, and eſtabliſhed in the crown of *England*. In the next reign the *French* invaded and held *Acadia*, until expelled by the governor of *Virginia*. 1583.

Afterwards King *James* granted all that part of *America* extending in breadth from the 40th to the 48th degree of North latitude incluſive, and in length throughout the main land from ſea to ſea, with the iſlands and ſeas adjoining, to the council eſtabliſhed at *Plymouth*, for planting and governing *New England*, which grant compriſed all *Acadia*, ſaving a ſmall part lying S. W. of *Anticoſti* iſland. Novem. 20, 1620.

In the next year his Majeſty granted the whole to Sir *William Alexander* by circumſcribed limits, "including the "iſlands of *Baccalaos*, or Cape *Britton*, with the iſlands or ſeas "lying near or within ſix leagues of any part of the ſame on the "Weſtern, Northern, or Eaſtern parts of the coaſt thereof, "and on the S. E. where Cape *Britton* lieth, and on the "Southern Septem. 10, 1621.

" Southern part of the ſame where Cape *Sable* is, all ſeas and " iſlands towards the South, within forty leagues of the " ſaid ſhores of the ſame, including the iſle of *Sable*, to be " called in all future times *Nova Scotia* in *America*, and to be " held of the crown of *Scotland*.

July 12, 1625. King *Charles* confirmed this grant; and, to promote the ſettlement of a colony, created 150 baronets, to which their aids were appropriated, without due application to this ſervice; however, ſome ſettlement at *Port Royal*, with a fort for its defence, was made by Sir *William Alexander*, by whoſe leave *Claud de la Tour*, and his ſon *Charles*, for their own uſe, made a ſettlement, and built a ſtrong fort upon St. John's river, called Fort *La Tour*. King *Charles*, upon his marriage, ceded the whole to *France*. Afterwards war breaking out between the two crowns in the years 1627 and 1628, *Nova Scotia*, *Quebec*, and the whole region of *Canada*, were reduced to the obedience of King *Charles*, and *Nova Scotia* was again poſſeſſed by Sir *William Alexander*, who in the year 1630 conveyed to *Claud de la Tour*, and his ſon, all his right to it, excepting *Port Royal*, to be held of the crown of *Scotland*.

March 29, 1632. A treaty was made at St. *Germain en Laye*, between the Kings *Lewis* XIII and *Charles* I, for the reſtitution of *New France*, *Acadia*, and *Canada*, which being carried into execution,

1654. *Oliver Cromwell* took *Acadia* from the *French*, and held it during his life.

1667. By a treaty of peace concluded at *Breda*, King *Charles* II agreed to reſtore *Acadia* to the *French* King, and in the year 1670 reſtored the ſame, extending it by his determination to the river *Ponobſcot*.

1690. The *Maſſachuſetts* colony, with a proper naval and land force commanded by Sir *William Phips*, reduced *Port Royal*, and all *Nova Scotia*, or *Acadia*, to the obedience of King *William* and Queen *Mary*.

By

By the treaty of peace concluded at *Ryſwick* between the kings *William* III. and *Lewis* XIV. it was agreed, that mutual reſtitution ſhould be made of all the countries, forts, and colonies, taken by each party during the war; whereupon *Nova Scotia* was again reſtored to the *French*. Sep tem. 10, 1697.

General *Nicholſon*, with forces ſent from *England*, aſſiſted by others raiſed by the *Maſſachuſetts* colony, reduced all *Nova Scotia*, or *Acadia* to the obedience of queen *Anne*. 1710.

By the treaty of peace concluded at *Utrecht*, the *French* king yielded and made over to the queen of *Great-Britain* and her crown for ever, "all *Nova Scotia*, or *Acadia*, with "its antient boundaries, and that in ſuch ample manner and "form, that the ſubjects of the moſt *Chriſtian* king ſhould "thereafter be excluded from all kind of fiſhing in the ſeas, "bays, and other places on the coaſts of *Nova Scotia*, that "is to ſay, on thoſe which lie towards the eaſt within thirty "leagues, begining from the iſland commonly called *Sable* "incluſively, and thence ſtretching along towards the "S. W." But the *French* having from time to time taken every method their policy could dictate for gaining as large portions as poſſible of the *Newfoundland* and *Nova Scotia* fiſheries, to the prejudice of the *Engliſh* in point of their antient right, their commerce and naval power, by their talents in negotiation, and the ſtate of the *Engliſh* councils, they now prevailed ſo far over the *Engliſh* miniſters as to obtain a ceſſion of Cape *Breton*, though part of *Nova Scotia*, with the iſlands in the gulph and mouth of the river St. *Laurence*, and expreſs liberty to fortify any place or places there, together with liberty to catch fiſh and dry them on that part of *Newfoundland* extending from Cape *Bonaviſta* to the North part of the iſland, and thence weſtward to Point *Riche*. 1713.

The original right of the *Engliſh* to *Newfoundland* and *Acadia*, with the adjacent iſlands, ſeas, and fiſheries, was acquired under the authority of king *Henry* VII. by the *Cabots*, who diſcovered theſe countries, with the continent extending from the 56th or 58th to the 28th degree of North

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latitude, having, as the learned *Butrigarius*, the popes legate in *Spain*, informs us, refreſhed themſelves at *Newfoundland*, this diſcovery being made before the *Spaniards* had diſcovered there was a continent in the new world. The *Portugueſe*, *Spaniſh*, and *French* fiſhermen reſorted to *Newfoundland* before any government was eſtabliſhed by the *Engliſh* there, which took place in the year 1583, when Sir *Humphry Gilbert*, to uſe the words of *Parmenius*, who accompanied him, *has regiones in ſuam et regni Angliæ poſſeſſionem poteſtatemque vendicavit, latis quibuſdam legibus de religione & obſequio reginæ Angliæ.* Mr. *Hayes*, captain and owner of the *Golden Hinde*, rear admiral of Sir *Humphreys* fleet, informs us, that the ſhips, as well *Engliſh* as ſtrangers, which fiſhed on the coaſt, were taxed at an eaſy rate to ſupply their wants, and that Sir *Humphrey* " ſignified unto all men, that from that " time forward they ſhould take the ſame land as a territory " appertaining to the queen of *England*, and himſelf autho- " rized under her majeſty to poſſeſs and enjoy it, and to or- " dain laws for the government thereof, agreeable (ſo near " as conveniently might be) unto the laws of *England*, under " which all people coming thither thereafter, either to inha- " bit, or by way of traffic, ſhould be ſubjected and governed. " And eſpecially at the ſame time for a begining, he poſed " and delivered three laws to be in force immediately. That " is to ſay, the firſt for religion, which in public exerciſe " ſhould be according to the church of *England*. The 2d " for maintenance of her majeſtys right and poſſeſſion of " thoſe territories, againſt which, if any thing were attempted " prejudicial, the party or parties offending ſhould be ad- " judged and executed as in caſe of high treaſon, according " to the laws of *England*. The 3d, if any perſon ſhould " utter words ſounding to the diſhonour of her majeſty, he " ſhould loſe his ears, and have his ſhip and goods confiſ- " cated :" and that he afterwards erected there the arms of *England*. Before this tranſaction " the *Engliſh* merchants " commanded all there," proceeding, the author ſuppoſes, according

according to their diſcretion, as the occaſions of the trade and fiſhery required. Captain *Whitbourne*, in a treatiſe publiſhed by order of the lords of the council, and recommended by king *James* and them, in order to incite his majeſtys ſubjects to promote the ſettlement of *Newfoundland*, informs us, that he was preſent at Sir *Humphrey Gilberts* authoritative proceeding there in 1583, and that about two years after, making another voyage thither, he was there "when (to "uſe his own words) one Sir *Bernard Drake*, of *Devonſhire*, "knight, came thither with a commiſſion, and having divers "good ſhips under his command, he there took many *Por-* "*tugal* ſhips laden with fiſh and train-oil, and brought them "into *England* as prizes."

In the reign of king *James* I. ſeveral colonies were deſigned, and in part eſtabliſhed in *Newfounaland*, many perſons being at great expenſe deduced thither by the earl of *Northampton*, and others his aſſociates, to whom the king granted "all thoſe countries, lands, and iſlands, commonly "called *Newfoundland*, ſituate between 46 and 52 degrees "of northerly latitude," by lord *Faulkland*, when commanding in *Ireland*; by Sir *George Calvert*; by Dr. *Vaughan*, and others; the two perſons laſt named having reſided there ſome time.

Captain *Whitbourne*, in his approved treatiſe, ſays, "In "the year 1615 I returned again to *Newfoundland*, carrying "with me a commiſſion out of the high court of admiralty, "authorizing me to impannel juries, and to make enquiry "upon oath of ſundry abuſes and diſorders committed "amongſt fiſhermen yearly upon that coaſt, and of the fiteſt "means to redreſs the ſame, with ſome other points having "a more particular relation to the office of the lord admiral." Afterwards in the diſcourſe he informs the king, that in the month of June, in *Trinity* bay, he began to the uſe of his majeſty to execute his commiſſion; by precept called the maſters of the *Engliſh* ſhips that were near thereunto--that in other harbours he did the like--that the juries impannelled were com-

poſed

poſed of 170 maſters of ſhips--that by their preſentments under their hands and ſeals they preſented ſundry abuſes commited in the fiſhery, which preſentments at his return he delivered into the high court of admiralty.

Biſhop *Burnet*†, after obſerving that the *Engliſh*, from king *Henry* 7th's time, had always pretended that the right to *Newfoundland* was in the crown of *England*, ſays, "The "*French* had leave given them in *Charles* IIſt's time to fiſh "there, paying tribute as an acknowledgment of that licence: "it is true they carried this much further during the civil "wars; and this grew to a much greater heighth in the "reign of king *Charles* II. but in king *Williams* time an act "of parliament paſſed aſſerting the right of the crown to "*Newfoundland*, laying open the trade thither to all the ſub-"jects of *Great-Britain*, with a poſitive and conſtant exclu-"ſion of all aliens and foreigners." What relates to this matter is thus expreſſed in the act. "Whereas the trade of "and fiſhing at *Newfoundland* is a beneficial trade to this "kingdom, not only in the employing great numbers of ſea-"men and ſhips, and exporting and conſuming great quan-"ties of proviſions and manufactures of this realm, whereby "many tradeſmen and poor artificers are kept at work, but "alſo in bringing into this nation, by returns of the effects "of the ſaid fiſhery from other countries, great quantities of "wine, oil, plate, iron, wool, and ſundry other uſeful com-"modities, to the encreaſe of his majeſtys revenue, and the "encouragement of trade and navigation: Be it enacted by "the kings moſt excellent majeſty, by and with the advice and "conſent of the lords ſpiritual and temporal, and commons in "this preſentparliament aſſembled, and by the authority of the "ſame, That from henceforth it ſhall and may be lawful for "all his majeſtys ſubjects reſiding within this his realm of "*England*, or the dominions thereunto belonging, trading, "or that ſhall trade, to *Newfoundland*, and the ſeas, rivers, "lakes, creeks, harbours, in or about *Newfoundland*, or any of

† Hiſtory of his own time, vol. 2. p. 619.

" of the iſlands adjoining or adjacent thereunto, to have,
" uſe, and enjoy the free trade and traffic, and art of
" merchandize and fiſhery to and from *Newfoundland*, and
" peaceably to have, uſe, and enjoy the freedom of taking
" bait, and fiſhing in any of the rivers, lakes, creeks,
" harbours, or roads, in or about *Newfoundland*, or any
" of the ſaid iſlands, for the curing, ſalting, drying, and
" huſbanding of their fiſh, and for making of oil, and to
" cut down wood and trees there for building and making
" or repairing of ſtages, ſhip-rooms, trainfats, hurdles,
" ſhips, boats, and other neceſſaries for themſelves and
" their ſervants, ſeamen and fiſhermen, and all other
" things which may be uſeful or advantageous to their
" fiſhing trade, as fully and freely as at any time hereto-
" fore hath been uſed or enjoyed there by any of the ſub-
" jects of his majeſtys predeceſſors, without any hindrance,
" interruption, denial or diſturbance of or from any perſon
" or perſons whatſoever; and that no *alien* or *ſtranger*
" *whatſoever* (not reſiding within the kingdom of *England*,
" dominion of *Wales*, or town of *Berwick* upon *Tweed*)
" ſhall at any time hereafter take any bait, or uſe any ſort
" of trade of fiſhing whatſoever in *Newfoundland*, or in
" *any of the ſaid iſlands* or places above-mentioned."*

After this ratification of the *Engliſh* right to *Newfoundland*, with the adjacent ſeas, iſlands and fiſhery made by the king and parliament, who doubtleſs duly conſidered all former tranſactions reſpecting the ſame, whereof part was probably better known to them than at preſent, it is needleſs to obſerve that the licence given by king *Charles* I. to the *French* to fiſh there, paying tribute, was in its nature controllable, and declaratory of the *Engliſh* right; that the encroachments made by the *French* in our civil wars, and in the reign of king *Charles* II. much augmented, gave them no juſt right, and that the indulgence or inattention of the *Engliſh* in particular early or ſubſequent times gave to the *Portugueſe*, *Spaniards*, or *French* no

 juſt

* 10th and 11th Will. 3d, Cap. 25.

juſt permanent claim, though the like pretenſions; or that the value of *Newfoundland* to the *Engliſh* depends on their enjoyment of the fiſhery: And, in farther illuſtration of the injurious nature of theſe ceſſions, made by the Utrecht treaty, let us remember that in the year 1717 the houſe of commons declared that by them "that beneficial branch "of trade always eſteemed the great ſupport of the naval "power, and the chief nurſery of the ſeamen of *Great* "*Britain*, was yielded up to the ſubjects of *France*."

The war concluded by the treaty complained of was waged by the queen of *Great-Britain*, and her numerous allies, in order effectually to prevent the union of the *French* and *Spaniſh* monarchies, in the courſe whereof the queen cauſed it to be repreſented to the *French* king that "all the "powers of *Europe* were equally perſuaded that it was for "their general intereſt, and for their common ſecurity, to "continue a war whereof no one could forſee the end, ra-"ther than to be expoſed to behold the ſame prince become "one day maſter of two monarchies ſo powerful as thoſe of "*France* and *Spain*." Yet although the confederate arms were favoured with ſuch unparalelled ſucceſſes as exceeded even their own hopes, and the fears of the enemy, and by many ſignal victories and conqueſts, and great advantages obtained by ſea as well as land, with "the wiſdom and unanimity of their counſels, "the glory of the confederate arms, and the reputation of "*Great-Britain* in particular, was raiſed to an higher pitch "than in any former age," the *Britiſh* miniſters in concluſion acquieſced in meer paper ſeparations of the two monarchies, and inſtead of maintaining the *Britiſh* right to the *American* fiſhery, as national juſtice and ſound policy required, by theſe ceſſions in favour of *France* they gave ſuch a grievous wound to the naval power of their country as other miniſters have not, even with the aid of more important and glorious ſucceſſes, ſince healed.

The *French* afterwards improved their fiſhing trade with ſo great diligence that it maintained them 27000 men, and produced

produced them yearly fiſh and oil to the amount of a million ſterling, or thereabouts, beſides the benefits of other trades depending on the fiſhery, the fiſhermen in courſe becoming ſeamen; and to increaſe this nurſery as far as poſſible the whole was put and kept under the wiſeſt regulations, ſurpaſſing the proviſions of the *Engliſh*, whoſe whole cod fiſhery, including that of *New England*, employed at the ſame time but about half the number of men. The account of the *French* fiſhery was taken with great care in the year 1745, after the ſucceſs of the Cape *Breton* expedition, by a gentleman extremely well qualified for this ſervice, under the preſent authors inſpection, who cloſed with his own hand the original ſent to the government, which he preſumes now lyes in ſome of the public offices.---That all nations are powerful at ſea in proportion to their concern in the fiſhing trade is an ancient maxim, and it is ſubmited to the intelligent to declare how far the *French* fleets employed in our two late wars were maned by ſeamen raiſed out of that fiſhery which of right belonged to the *Engliſh*, and how far the continued poſſeſſion of the whole would have profited them in point of commerce and naval ſtrength; after obſerving that in common political calculation it has been ſuppoſed to exceed in value to a maritime power all the treaſures of *Mexico* and *Peru*.

Having ſtated the proceedings relative to *Nova Scotia* and *Newfoundland*, let us return to the war begun by *France* in 1744. Her deſigns to reduce *Nova Scotia* this year being fruſtrated by the *Maſſachuſetts* ſuccours, Monſ. *Du Vivier*, who took *Canſo*, and beſieged *Annapolis*, proceeded with Monſ. *De le Bras* and others to *France*, to concert meaſures for the reduction of *Nova Scotia*, the ravage of the *Engliſh* fiſhery, and the farther proſecution of the war. The *French* miniſters approving this deſign ſix or ſeven ſhips of war were prepared, and diſpatched in the ſpring, with Monſ. *Du Vivier* and others, whereby *Nova Scotia* and the *Engliſh* fiſhery would have been brought into extreme danger;

but

but being informed in their paſſage that Cape *Breton* was taken by the *Engliſh*, who had a ſtrong ſquadron there, they returned.

The provincial merits and hardſhips, with the public benefits of the Cape *Breton* expedition having been repreſented with care and authenticity to the parliament and the public, it may here ſuffice to ſay that by it *Nova Scotia* and the *Engliſh* fiſhery were preſerved, and other dangers to their trade and territories averted, the city of *Louiſbourg*, defended by an hundred cannon mounted, beſides one battery of twenty-eight guns, 42 pounders, and two 18 pounders, and another of thirty cannon, 28 pounders, with all its dependencies, taken from the enemy, their fiſhery was broken up, and their trade and navigation ſuffered, uſeful information was gained for making future conqueſts, and the *Engliſh* were in no ſmall degree enabled to conclude a peace after waging, with their allies, an unſucceſsful war in other parts---That the *Maſſachuſetts* province, who ſolely undertook, and chiefly maintained this expedition, brought by it a ſharp war into their own borders from the *French* at *Canada*, and their *Indian* allies, and great diſtreſs ariſing various ways was ſeveral years the fruit of their expedition; the ſenſe of their ſufferings being aggravated by conſidering that ruin would have been their portion if it had failed of ſucceſs, of which there was great danger at the departure of the troops without the expected naval force, as the matter appeared to the author, who then offered to go with them; and the naval force which at length arrived came by royal order, given upon receiving Mr. *Shirleys* fifth letter of information, four ſimilar letters being taken by the enemy; and *Louiſbourg* was in a good meaſure reduced by 42lb. ball, carried from *Boſton*, and fired out of the enemies cannon taken in their grand battery.

The *French* after their loſſes and diſapointments in this quarter provided armaments from time to time for taking

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Nova Scotia, whereof the chief was commanded by Duke *D'Anville*, whoſe ſquadron was intended to be joined by four capital ſhips from *Martinique*. The ſtrange and unforeſeen diſaſters of this ſquadron were deemed by our miniſters a great providential deliverance of *Nova Scotia*, and all the enemies deſigns againſt it proved fruitleſs, although the inhabitants were *French* by birth or deſcent, by religion, language, cuſtoms, and many by inclination, and the *Indians* under *French* influence; ſo that this important province had no interior ſtrength for its ſafety, ſaving the weak fort and garriſon of *Annapolis*.

In the year 1746, purſuant to the directions of the Kings miniſters, certain meaſures were propoſed by the author, and afterwards by him in conjunction with Sir *Peter Warren* and Lieutenant Governour *Clarke* for ſecuring *Nova Scotia*, and promoting the *Britiſh* intereſt in *America:* thoſe which related to *Nova Scotia* were approved, but not executed, whoſe execution, the author has ever been perſuaded, would have prevented the hoſtile invaſions of *Nova Scotia* by *France* which actually began the laſt war.

France having, by the treaty concluded at *Aix la Chapelle* in Oct. 1748, obtained reſtitution of Cape *Breton* her miniſters ſoon formed and began to execute a deſign to divide and impair the *Britiſh American* empire, and to enable her farther to diſtreſs their trade and fiſhery, by extending her territories from the river *Canada* through the main land to the *Atlantic* ocean, weſtward as far as the river *Kennebeck*, and eaſtward ſo as to include all the main land of *Nova Scotia*, leaving to the *Engliſh* only part of the peninſula; for the illuſtration whereof, with other matters, a map is hereto annexed: and although *Nova Scotia* had ſo often paſſed from nation to nation, the pretenſions of *France* amounted to this, that *Great Britain* was to hold by the laſt ceſſion made to her only a ſmall part of the ſame country which had paſſed to *France* by former ceſſions. Having already obſerved that all *Nova Scotia* or *Acadia*,

with its ancient boundaries, was ceded by the *Utrecht* treaty to *Great Britain*, let us here add that when this country was firſt named *Nova Scotia* the following boundaries were given to it in the grant to Sir *William Alexander*, to wit, " all and ſingular the lands of the continent, and the " iſlands in *America* within Cape *Sable*, lying in forty-three " degrees north latitude, or thereabouts; thence along the " coaſt to St. *Marys* bay, and thence paſſing northward " by a right line acroſs the gulph or bay now called *Fundy* " to the river St. *Croix*, and to the remoteſt weſtern ſpring- " head of the ſame; whence by an imaginary line con- " ceived to run through the land northward to the next " road of ſhips, river, or ſpring diſcharging itſelf into the " great river of *Canada*, and proceeding thence eaſtward " along the ſhores of the ſea of the ſaid river of *Canada* to " the road, haven, or ſhore, commonly called *Gaſpie*, and " thence ſouth eaſtward [*verſùs euronotum*] to the iſlands " called *Baccalaos* or Cape *Breton*, leaving the ſaid iſlands " on the right, and the gulph of ſaid great river of *Canada*, " and the lands of *Newfoundland*, with the iſlands to thoſe " lands pertaining, on the left; and thence to the pro- " montory of Cape *Breton* aforeſaid, lying near or about " the latitude of forty-five degrees, and from the ſaid pro- " montory of Cape *Breton* towards the ſouth and weſt to " the aforeſaid Cape *Sable*, where the perambulation " began."

Theſe are the ancient boundaries of *Nova Scotia*, aſcertained with greater preciſion than is common in the ancient *American* grants, from which, with other matters of public notoriety, it is evident, without more ſaying, that this new, ſtrange conſtruction of the ceſſion made to *Great Britain* by the *Utrecht* treaty was incompatible with the plain ſenſe and ſpirit of it, with the ſenſe of all parties concerned in holding or transfering this country in former times, and the ſenſe of the parties concerned at and from the time of making it, until this new political pretenſe

was

was deviſed, through the want of a better, to ſupport the injurious and hoſtile deſigns of *France*, who without making any previous demand upon *Great Britain* founded on this new pretenſe invaded the weſtern part of this province, uninhabited except by *Indians* devoted to her ſervice, with a military force conſiſting of a captain with a ſmall company of regulars diſpatched from *Quebec*, who coming down the river of St. *John*, whereon Monſ. *De la Tour* formerly built the fort aforementioned, and encreaſing from time to time in their number, advances and operations, at length attacked and defeated a conſiderable party of the *Engliſh*, and in conſequence took a large interiour part of the country, with an important paſs. Complaint being made of this hoſtility by the *Engliſh* to the court of *France*, Monſ. *Puyſeux*, their miniſter, declared upon his word as a gentleman, and not as a miniſter, that they had not given orders for it; whereupon enquiry being directly made by the author, whether they would reſtore the country taken by it, no anſwer was made; but, inſtead of redreſſing this and other the moſt flagrant outrages, the *French* continuing their devices and their violence, with the aid of their *Indians*, by the force and terror of their arms, took, commanded and held ſeveral years a great part of an *Engliſh* country to which they had no more right than to any part of *England*, and laid the reſt under ſeveral fires.----That theſe hoſtilities did conſtitute a war *de facto* upon the *Engliſh* the author conceives common ſenſe declares, and that the party war'd upon without denunciation may make their beſt defence without any: but the conduct of the *Engliſh* herein having been cenſured, let us cite the words of *Grotius*. " By the law of nature, " where force is repel'd by force, there no denounc- " ing of war is required. And this is what *Sthene-* " *laidas* the *Ephorus* pleads in *Thucydides*, *There is* " *no diſputing with words and arguments when we have* " *been*

" *been injured by them otherwiſe than in words.* And " *Latinus* obſerves in *Dionyſius* of *Halicarnaſſus*, who- " ever is attacked defends himſelf immediately againſt " the agreſſor. And as *Aelian* out of *Plato*, *That war made* " *to beat away an invader needs no herald but nature itſelf.* " Hence *Dion Chryſoſtom* obſerves, *many wars are made with-* " *out denouncing.* Neither does *Livy* blame *Menippus*, *An-* " *tiochus* general, for any thing but that he had killed cer- " tain *Romans* when no war had been denounced, and when " they had heard nothing of the drawing of a ſword, " or any bloodſhed; thereby implying that if either " of theſe had been done it might have juſtified " the fact."* To which let us add that the war whereby king *Philip* of *Spain* intended with his invincible armada to conquer *England* was never denounced, and that no denunciation was made of our firſt *Dutch* war in the reign of *Charles* II.

It is proper to be remembered that the *French* claim, invented to ſupport their invaſion, which being evidently void of juſtice, and founded in mere ſophiſtry, was an inſult upon the underſtanding of the *Britiſh* nation, did not appear till a conſiderable time after the actual invaſion, and the information given of it to the *Britiſh* miniſters, who prefering negotiation to repulſion, dilatory diſcuſions of the groundleſs pretenſions of *France* took place at *Paris* whilſt her invaſion went on with ſucceſs in *Nova Scotia*; and encouraged by it ſhe invaded the interiour part of the *Britiſh American* dominion, that is, part of the ancient country of the five nations, the ſovereignty whereof was by them and the treaty of *Utrecht* eſtabliſhed in the crown of *Great-Britain*. This invaſion would moſt probably have been prevented if the propoſals made in 1746 had taken place: but invaſion being added to invaſion the *Britiſh* government made uſe of force againſt the aggreſſors.

The *Maſſachuſetts* colony ſaw the invaſion of the neighbouring province of *Nova Scotia* with concern from the begining

* *Rights* of *War* and *Peace*, B. III. Ch. 3. § 6.

gining, but without ſpecial authority they could not repel the invaders; all that lay in their power they did, which was to ſollicit their repulſion from time to time by their agent, and yet the war begun by theſe invaſions, with its expenſes, has been charged to the account of the colonies, who became ſo great ſufferers by it. This charge ſuppoſes that the colonies are not entitled to the right of protection, a right belonging to the ſubjects of every ſtate: they were moreover planted to ſtretch out the bounds of the *Engliſh* dominion, not to change the nature of it, being by their inſtitution members of the body politic; and although through political miſtakes reſpecting them great feuds and difficulties have ariſen between this kingdom and them, it is to be hoped that ere long, by wiſer counſels, a good agreement will be reſtored, and the colonies ever remain honourable and uſeful members of the ſtate.----To reſtore and perpetuate the perfect union of the colonies with their mother country is an object worthy of the nobleſt minds. Shall *France* and *Spain*, in manifeſt repugnance to the ſpirit of their ſeparation, purchaſed with ſo much blood and treaſure, unite in family compact againſt us, and ſhall the family of *Britain* be divided, whoſe ſeverance would ſo far endanger the whole? and after ſo long deliberation are we ſtill unable to heal thoſe diviſions which the want of wiſdom cauſed? *Britiſh America* forms one of the chief pillars of the ſtructure of our naval empire, and ſhall we ſuffer the foundation to be ſap'd by our improvidence? A grave judicious author in the laſt century obſerved that ſome of the ſenators in a certain ſtate would venture upon paſſing a law to fortell the conſequence of it two hundred years after. How far our foreſight falls ſhort of this is notorious. To make proper laws for diſtant countries ever required great wiſdom, and the beſt information, with a patient hearing of the parties, free from prejudice, which depraves all counſels; and that ſolid union which the preſent dangers and the future ſtrength and comfort of the ſtate re-

 quire,

quire, the author preſumes, can only be found in univerſal juſtice and equal ſocial liberty, whoſe public benefits ſurpaſs all refinement.

The conſent of the people, in this kingdom and the colonies, hath been diſregarded of late by ſome of our politicians, who are more inclined to force in their hands, and fear in the breaſts of their fellow-ſubjects, than to their eſteem and affection, the beſt foundation and ſupport of human government. This egregious error cauſed the revolt of the inhabitants of a neighbouring country, with that long continued war whereby *Spain* ſuffered ſo great loſſes, diſgrace, and diminution of ſtrength irrecoverable. The anceſtors of theſe men were in former times thus governed. " The care of the common-wealth was in the " nobles and commonalty. In ſome places there was a " third ſtate, of the clergy. Theſe being by legations aſ- " ſembled when neceſſary were conſulted upon the moſt " important affairs; nor *without the conſent of all* could " tributes be impoſed, the ſtate of affairs changed, or even " the value of the coin altered; ſo cautious were they " when their princes were good to prevent their becoming " evil: the moſt noble and excellent citizens adminiſtred the " public offices, and the common-wealth being thus re- " gulated the public affairs were for a long time conducted " with equal right;"* wherefore we are not to wonder that their deſcendants could not bear the ſeverities of *Philip* II. who with his officers differed ſo far in ſentiment from their ſupporter queen *Elizabeth*, and her able miniſters; of which difference it may ſuffice at preſent to give an extract from an eſſay " On the ſtate and government of the king- " dom of *England*," written in the year 1565, by this queens ambaſſadour at the court of *France*, the manuſcript whereof was given by the late prince *de Condé* to the count *de Bethune*, and publiſhed at the *Hague* in the year 1744, to wit, " *Nos roys, declarez telz par la grace de Dieu, et* " *le commun conſentement du peuple, ne recognoiſſent ny empereur,*

* Grotii Annales de rebus Belgicis, Lib. 1.

" *reur, ny pape, ny quelques autres princes que ſe ſoit, comme* " *tenant ou relevant d'eux meſmes.* Our Kings, declared " ſuch by the grace of God, and the *common conſent* of " the *people*, acknowledge neither emperour, nor pope, nor " any other princes whatſoever, as holding or relevant of " themſelves."

Philip de Comines, reflecting on the government of princes, aſketh this plain queſtion, " Is there any king or " prince upon earth who has power to raiſe one penny of " money, except his demeans, without the conſent of the " poor ſubject who is to pay it, but by tyranny and vio- " lence?"*

Mr. *Locke*, in his " Eſſay concerning the true original, " extent, and end of civil government," ſays that " go- " vernment, into whatſoever hands it is put, being en- " truſted with this condition, and for this end, that men " might have and ſecure their properties, the prince or " ſenate, however it may have power to make laws for the " regulating of property between the ſubjects one amongſt " another, yet can never have a power to take to them- " ſelves the whole or any part of the ſubjects property " without their own conſent; for this would be in effect " to leave them no property at all."†

Our poſitive public men ſeem perſuaded that there is no ſuch thing as a law of laws; but on the contrary that there is in every ſtate an uncontrolled unlimited power, deciſive, directive, and coercive; whereas the law of nature is univerſal and immutable. Could this the permanent law of God, by whom kings reign and princes decree juſtice, be taken away by man the world would become a chaos of confuſion: the ſenſe of it may indeed be obſcured by evil cuſtoms, ambition, or other violent paſſions, or by the crafty deluſions of political or other infamous expoſitors, but in extent, equity and duration, as well as indiſpenſable obligation, it is infinite. Upon this law the allegiance of the *Britiſh* ſubjects to their King, and their chief ſocial rights

* B. 5. Ch. 18. † Chap. 11. § 139.

rights are founded, and upon it among others the right of audience reſts. No man, or order of men, can judge of that which never was expoſed to their judgment; yet ſome men are enclined to judge and determine the moſt important matters wherein others are deeply concerned wholly by their own facts and reaſonings, of which truly they may find illuſtrious examples in *Xerxes* the *Perſian*, and *Philip* of *Spain*.

The honour and proſperity of the *Britiſh* nation were deeply concerned in the begining, progreſs and concluſion of the laſt war, wherein the various events of their policy and proweſs will to the lateſt ages entertain and ſurprize all nations, whoſe admiration will in courſe ariſe when they ſhall ſee them in the former part of this century obtain ſo great renown by their arms on the continent of *Europe*, and in the middle of the ſame century call foreign troops at different times into their iſland, to defend its numerous martial inhabitants againſt expected foreign invaders; when they ſhall ſee the ſame people in the late war after ſuffering loſs and diſgrace in the diſtant part of their empire, on changing their miniſters, riſe up in ſo ſhort time from a ſtate of diſtreſs to the higheſt pitch of glory in all parts of the globe, and adding victory to victory by ſea and land, prevail over their enemies in all quarters, drive them out of the ſtrongeſt holds that art and nature could form, and ſeize the great ſources of their foreign commerce and naval power; when after ſo great ſucceſs they ſhall ſee them on another change of miniſters negotiate and conclude that peace which now comes to be conſidered.

The injuſtice of *France*, who began the war in time of profound peace, without the leaſt cauſe; the injuſtice of *Spain*, who joined with her in order to ſupport it; the dangers we eſcaped, the debts we contracted, and the advantages we gained, with our future ſecurity, required an adequate peace. This *Great Britain* by the principles of natural juſtice and ſelf-preſervation had good right to demand from conquered

enemies

enemies unjuſtly combined againſt her in peace and war, and every motive that could inſpire the nobleſt minds called upon her miniſters to make the beſt uſe of the advantages gained in the courſe of the war, which conſidered in number and value exceeded all example, in order to eſtabliſh her naval empire on the moſt ſolid foundations poſſible; an empire in its extenſive nature moſt glorious, and beſt adapted to an inſular free ſtate for promoting the public honour and ſervice, without endangering by its force the public liberty; and the *American* fiſhery being one of the brighteſt jewels belonging to the *Britiſh* crown, to reſtore and fix it there when in the hands of our miniſters would have promoted the laſting honour of their prince, and the welfare of their country; whereas they did not by the preliminary articles of peace, ſigned at *Fountainbleau* in November 1762, ſecure even the excluſive fiſhery upon the coaſt of *Nova Scotia*, which had been ſecured by the *Utrecht* treaty. By the ſubſequent definitive treaty of peace, concluded at *Paris* in February following, as well as by the preliminary articles, it was agreed, That the ſubjects of *France* ſhould have liberty of fiſhing and drying on part of the coaſts of the iſland of *Newfoundland*, as ſpecified in the 13th article of the treaty of *Utrecht*, which article was renewed and confirmed by that treaty, except what related to Cape *Britton*, and the other iſlands and coaſts in the mouth and gulph of St. *Laurence*; and his *Britannic* majeſty conſented to leave to the *French* ſubjects liberty of fiſhing in the gulph St. *Laurence*, provided they did not fiſh but at three leagues diſtance from all the coaſts belonging to *Great-Britain*, as well thoſe of the continent as of the iſlands ſituated in the gulph. As to the fiſhery on the coaſts of Cape *Britton* iſland out of the gulph, they ſhould not fiſh but at fifteen leagues diſtance: after which the treaty alone contains this further agreement, "That the fiſhery on the coaſts of "*Nova Scotia* or *Acadia*, and every where elſe out of the "ſaid gulph, ſhall remain on the foot of former treaties."

The fiſhery on the coaſt of *Nova Scotia* we have ſeen was ſecured to the *Engliſh* by the *Utrecht* treaty; but the declaration in general terms that the fiſhery every where elſe out of the gulph ſhall remain on the foot of former treaties is ſtrange and irreconcileable by the author with national juſtice and ſound policy. *Dolus verſatur in generalibus*, and it is an approved maxim among politicians, that in making treaties of peace the conquerour ſhall uſe preciſion, and the conquered general expreſſion, if practicable, which may admit of his future explanation; and the groundleſs pretenſions of the *French* which cauſed the war plainly required ſpecial care on our part in this behalf, in order to ſecure our rights, and prevent future conteſts and wars. Upon conſideration it appears to the author that the deſign of the miniſters of *France* was by theſe general words to renew the treaty made with her by king *James* II. in the year 1686, whereby it was agreed, "That both kings ſhould have and "retain to themſelves all the dominions, rights and preemi-"nences in the *American* ſeas, roads, and other waters "whatſoever, in as full and ample manner as of right be-"longed to them, and in ſuch manner as they then poſ-"ſeſſed the ſame. And therefore the ſubjects, inhabitants, "merchants, commanders of ſhips, maſters and mariners "of the kingdom, provinces, and dominions of each king "reſpectively ſhould abſtain and forbear to trade and fiſh "in all the places poſſeſſed, *or which ſhould be poſſeſſed*, by "one or the other party in *America*;" this treaty being calculated on the part of *France* to ſecure her paſt and future encroachments. We have ſeen what great encroachments the *French* from time to time made upon the fiſhery, eſpecially in the reign of king *Charles* II. encouraged by this ſucceſs, ſome ſhort time before making the treaty with king *James*, Monſ. *de Meules*, intendant of *New France*, by letter to the king tranſmited propoſals for making *France* ſole miſtreſs of the cod; and the *French* deſigns, it is preſumed, now were by the revival of this treaty to obtain a con-

confirmation of their various encroachments. The right to the fiſhery includes a right to the banks whereon the fiſh feed and are caught; and as the whole belonged originally to the *Engliſh*, the former treaties, ſuppoſed to relate to all the undeſcribed parts of it, if any ſuch there be, ought to have been aſcertain'd; but in that caſe the injurious revival of King *James* treaty would have been conſpicuous. Our miniſters moreover were ſo improvident, that after again placing the *French* on the eaſtern and weſtern triangular ſides of the capital iſland of *Newfoundland*, they did not preſerve the coaſt of the ſouth ſide free and entire, but, on the contrary, through their management, two adjacent iſlands, parts of the new found land, were now ceded in full right to the *French* King, for the uſe of his fiſhermen, and his *military* police, ſo worthy of our adoption, in manifeſt repugnance to the ancient right of the *Engliſh*, confirmed by the ſtatute of the 10th and 11th Will. III. An ample diſquiſition of this ſtrange ceſſion, conſidered in its nature, relations, and example, would require more time than the author can at preſent ſpare; and it is evident that the voluntary diſmembring or cuting off part of an eſtabliſhed empire, and thus transfering what is held by one prince *antiquo jure coronae* to another, is a matter of great moment, and that it is neceſſary to prince and people to underſtand and remember by what right the ſeveral parts of an empire are held.

King *James* I. was deſirous that the kingdom of *Ireland* ſhould be held of his empire as King, and not of the dominion of the crown, of *England*; upon which point he conſulted Mr. *Selden*. The *Engliſh* plantations from their primary exiſtence were held of this dominion, being united and incorporated with *England*, as the records and public acts relating to them and their ſettlement clearly ſhew; and our colonies were not only at all times free, and held *optimo jure*, but for ſome time paſt, by force of the ſtatute * in this caſe provided, they have had the peculiar power of com-

* 13 G. 2. Cap. 7.

communicating freedom to aliens, who by living there a certain time, under certain regulations and limitations, become in effect natural born ſubjects of *Great Britain*.

With reſpect to the iſlands of St. *Vincent* and *Dominica*, to mention no others at preſent, upon careful conſideration of their ſtate preceding and ſubſequent to the late war, it appears clearly to the author that they are now of right parcel of the dominion of the crown of *Great Britain*; that the Kings miniſters having miſtaken the right whereby his Majeſty holds the ſame, they have grafted the power of taxation by prerogative royal upon their own error; that their plea of conqueſt will by no means warrant, although it may in ſome meaſure palliate their proceeding, which for the ſake of his Majeſty's honour, and the welfare of his ſubjects, who, with their eſtates, would be in ſuch a precarious and deſpicable condition in caſe theſe iſlands were held by this new tenure, and for the common good and right of the whole empire, whoſe entirety ought ever to be preſerved, is ſubmited to the farther conſideration of thoſe to whom it belongs. In point of example no man can foretel where this dangerous and injurious proceeding, if not reverſed, will end. *Jamaica* was conquered by *Cromwell*, who after runing his ſword through *Magna Charta* ſtiled himſelf the invincible Lord Protector of *England*. But, as the *Gallic Polybius* and Mr. *Locke*, of immortal memory, have informed us what it is to take the ſubjects property without their conſent, ſo one of the ableſt lawyers that have appeared in *Weſtminſter* Hall, and ſat in the Houſe of Lords, gave his opinion, as the author hath been well informed, to this effect, that although this iſland was gained by the ſword, they who ſhould rule their fellow-ſubjects ſettled there by the ſword ought to ſuffer under the ax. We have already ſeen the ſword unſheathed without warrant by law or conſtitution, and the doctrine of the ſword advanced with impunity; and all the ſubjects in the *Britiſh* empire having one common right, it behoves us to prevent

prevent the eſtabliſhment of tenure by the ſword in any part of it. *Principiis obſta* is doubtleſs the beſt maxim where the public right is violated or endanger'd; for they who have ſaid A, if not prevented, will ſoon ſay B, and in time, themſelves or their followers, will go through the whole alphabet.

By the partition of the neutral iſlands it hath been ſuppoſed that we gained great advantages; whereas *French* policy in this caſe really prevailed over our right, our intereſt, and our honour. St. *Lucia* was of great importance by reaſon of its ſituation relative to the other *Caribbee* iſlands, *Engliſh* and *French*, more eſpecially by its vicinity to *Martinique*; and by reaſon of its good bays and harbours, of which the chief, called the Little Careenage, ſo named from its convenience for careening ſhips, and where great uumbers may lye ſafe at all times, is the moſt commodious in all the *Caribbee* iſlands, and in time of war might well ſerve as a place of rendezvous for the Kings ſhips appointed to check the armaments at *Martinique*, and the ravages of our trade by the *French* cruizers. A much leſs advantage may be mentioned, which is that after the defeat of the duke of *Montagues* intended ſettlement it was computed this iſland might in few years by its product and commerce have yielded to *Great Britain* £200000 a year. Upon examining the claims of both nations, it appears to the author that our poſſeſſion of it, when our miniſters agreed to deliver it to *France*, to be held by her in full right, was accompanied with a good and fair title, according to the *European* mode of acquiring dominion and property in *America*, and, *in foro conſcientiae*, by the purchaſe of it from the *Caribbeans*, the native and true proprietors of it.

In the year 1722, his late excellent Majeſty King *George* I. granted this iſland, with the iſland of St. *Vincent*, to the late duke of *Montague*, who to his great honour proceeded directly to make a good and effectual ſettlement there, expending thereupon £40000 at leaſt, the comple-

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tion whereof might have happily ſecured this valuable iſland; but in the following reign it was fruſtrated by the agreement made between his *Britannic* Majeſty and the *French* King, touching the evacuation, or neutrality, of this and the other iſlands. By the conſequent inſtruction, given on the 30th of November, 1730, to Mr. *Worſeley*, captain general and governour in chief of this iſland, with St. *Vincent*, *Dominica* and *Tobago*, as his predeceſſors, governours of *Barbadoes*, had been, his Majeſty declared that he had an undoubted right to it, with the iſlands St. *Vincent* and *Dominica*, and it would have been well for all the parties concerned, if the adviſers of a conquering prince, and managers of this affair in behalf of the kingdom, had duly conſidered that when they gave their advice it was part of the rightful poſſeſſions of the crown of *Great Britain*, and therefore incapable of proper and rightful ſeverance from it.

The prevailing ſuppoſal of our being great gainers by the agreement of the *French* King that we ſhould retain and hold in full right the iſlands St. *Vincent* and *Dominica* is a mere political deluſion. His late excellent Majeſty by his royal inſtruction aforementioned declared he had an undoubted right to them, and they had paſſed by grant from the crown many years before. On the contrary his moſt *Chriſtian* Majeſty, in his mandate dated September 21, 1722, to the chevalier *de Fouquiere*, governour general of the iſlands, had delared that St. *Vincent* ought to remain to the *Caribbeans*; and by his letter to Monſ. de *Champigny*, governour of *Martinique*, dated the 26th of December, 1730, he declared that St. *Vincent* and *Dominica* belonged to the *Caribbeans*, whoſe poſſeſſion he intended to ſupport. *Nil dat quod non habet*, and the *French* King having no right to theſe iſlands he could tranſfer none. As to *Tobago*, *de non apparentibus & non exiſtentibus eadem eſt ratio*; and as it does not appear that the *French* had a right to it, they could give us none; wherefore upon the whole we

have

have given to them the moſt valuable iſland, to which we had good right, in exchange for their ill-grounded pretenſions to the others.

To return to the northward, having ſet forth the impaired and divided, intermingled and uncertain ſtate into which our *American* cod-fiſhery hath been various ways reduced, and in which it was left by our miniſters at the concluſion of the late war, let us paſs on to the ceſſion made to our ſovereign and the *Britiſh* crown of *Canada* and all its dependencies, with the iſland of Cape *Breton*, and all the other iſlands and coaſts in the gulph and river St. *Laurence*. This ceſſion was beneficial to us, but its extent and value have been greatly miſtaken: all the *French* men who became the kings ſubjects in conſequence of it were not equal in number to the brave men we loſt in the courſe of the war; the ſailors, it is notorious, we now want for our defence againſt thoſe whom we ſo lately conquered, and theſe *French* men cannot ſupply their places; and the common perſuaſion that "an immenſe territory hath been added to the empire of *Great Britain*" is a moſt deluſive error, requiring refutation. The *French*, to promote their injurious deſigns had enlarged the meaning of the word *Canada*, and extended it ſo far as to cover a vaſt territory belonging to the *Engliſh*, *Canada* being an appellative formed of *Cabo de Nada*, or the *Cape of Nothing*, the name given by the *Spaniards* to the cape at the entrance of the country ſince called *Canada*, and the immenſe territory lying weſtward of the iſland of *Montreal*, extending northward for the more part to the 46th degree of north latitude, or thereabouts, and weſtward as far as the river *Miſſiſſipi*, which is ſuppoſed to have belonged of right to the *French*, and to have been transfered to *Great-Britain* by this ceſſion, did not in truth belong to them, the ſame having long before with good right become parcel of the dominion of the crown of *England*, by force of the grand deed of ſurrender of thoſe great conquerors the five nations or cantons of *Indians*, the former ſovereigns of it,

who

who having choſen the *Engliſh* for their protectors ſurrender'd their country to them; this juſt title of the *Engliſh* being corroborated by the treaty of *Utrecht*, by which the *French* king declared "the five nations or cantons of *In-*
"*dians* ſubject to the dominion of *Great-Britain*," the boundary-line of their country runing thus; begining at St. *Johns* falls upon the river *Iroquois*, called *Richlieu* by the *French*, it runs thence acroſs the great river of *Iroquois* or *Cadaraqui*, a little to the weſtward of the iſle of *Montreal*; thence to the river *Utawas*, along whoſe banks it paſſeth into the latitude of about 46 degrees, and continues its courſe weſtward till it reaches the north end of the lake *Michigan*; thence runing ſouthward along the eaſtern ſhore of that lake to its end, it extends thence nearly in the ſame courſe till it joins *Ilinois* river, whoſe banks it accompanieth to its fall into the *Miſſiſſipi*, in about 39½ degrees of latitude, 1170 miles diſtant from its mouth. The *French* had long unjuſtly maintained ſome ſcattered out-poſts in this country, to protect their encroachments, and their traffic with the *Indians*; but right they had none, and therefore they could not convey any to us; and if the propoſals made in 1746 had been carried into execution theſe out-poſts would have been cut off.

As to the country lying northward of the boundary line aforementioned, extending ſo far nearly in the latitude of 46 degrees, to uſe the expreſſion of a *French* gentleman of good ſenſe, it is fit for the habitation of bears and wolves only, and the author could never find that either *Engliſh* or *French* had good right to this country, or to that which extends thence weſtward to the river *Miſſiſſipi*; but be that as it will it appears to him not very material; for, after converſing freely with an intelligent *French* officer employed two years to explore the *Miſſiſſipi*, and receiving other information, and conſidering the dividing line between the two nations, if he had as much ſpare money to beſtow upon a project as the duke of *Montague* expended upon St. *Lucia*,

he

he would not pay the expenſes attendant on a patent for the whole.

In order to ſecure a laſting peace, it was agreed by the 7th article of the late treaty, " that for the future the con-
" fines between the dominions of his *Britannic* majeſty and
" thoſe of his moſt *Chriſtian* majeſty in this part of the
" world ſhould be fixed irrevocably by a line drawn along
" the middle of the river *Miſſiſſipi*, from its ſource to
" the river *Iberville*, and from thence by a line drawn
" along the middle of this river and the lakes *Maure-*
" *pas* and *Pontchartrain* to the ſea; and for this pur-
" poſe the moſt *Chriſtian* king ceded in full right to
" his *Britannic* majeſty the river and port of the *Mo-*
" *bile*, and every thing which he poſſeſſed, or ought
" to poſſeſs, on the left ſide of the *Miſſiſſipi*, except
" the town of *New Orleans*, and the iſland in which
" it is ſituated, which ſhall remain to *France*, pro-
" vided that the navigation of the river *Miſſiſſipi* ſhall
" be equally free as well to the ſubjects of *Great-Bri-*
" *tain* as to thoſe of *France* in its whole breadth and
" length from its ſource to the ſea, and expreſsly that
" part which is between the ſaid iſland of *New Orleans*
" and the right bank of that river, as well as the paſ-
" ſage both in and out of its mouth." Apt and clear expreſſions uſually accompany clear conceptions, both being proper on great occaſions; but by this article the moſt ſtrange and impolitic partition-line hath with the uſe of ſtrange terms been eſtabliſhed between the two monarchies. This line is conceived to paſs from the unknown ſource* of the *Miſſiſſipi* along the middle of it, till it comes nearly oppoſite to the north part of the iſle of *Orleans*; thence changing it courſe, to enter and paſs along the middle of the river *Iberville*, and the lakes *Maurepas* and *Pontchartrain* to the ſea, without any agreement

* According to the Sieur *D'Anville*, in the year 1746 this river was explored no further than to the 45th degree of North latitude, or thereabouts, and the 80th of longitude.

made reſpecting the uſe of thoſe lakes. The *Miſſiſſipi* at certain ſeaſons riſeth high, having by its overflowings formed the *Iberville*, which through the want of water becomes uſeleſs when the *Miſsiſſipi* at other ſeaſons ſubſides; and, according to good information lately received, the beſt of the ſeveral mouths of the *Miſsiſſipi* is ſo ſhallow, with a hard ſand at the bottom, as to be impaſſable by any ſhip of war, or merchant ſhip of burthen. Nature having thus far bar'd the uſe of this great river, by leaving to the *French* the iſle of *Orleans*, with the lower part of the river lying between that iſland and the oppoſite ſhore, and extending above 150 miles, we have truſted to *French* paper to ſecure to us the uſe of this part of the river, which is apparently neceſſary to our beneficial uſe of the reſt. Colonies may be planted on the eaſtern banks of the river, or other interiour lands, and protected at great expenſe; but without an exchange of our manufactures for their raw materials, or other commerce, they will be a loſs inſtead of a benefit to this kingdom; wherefore the navigation of the river being ſo difficult and precarious, and the protection of the unprofitable ſettlements which might be made in the vaſt country lying to the eaſtward of it being ſo difficult and expenſive, it is left to others to find out, if they can, the great value of the whole. The *Miſſiſſipi* formerly ſerved as a buble to the *French*, and ſeems to have ſince ſerved as a buble to our miniſters, and to us. By their proceeding relative to the cod-fiſhery they bruiſed the head of our *American* empire in the eaſt, and by leaving the iſle of *Orleans* to the *French* they fixed a thorn in the foot of our empire in the weſt, inſtead of plucking it out.

Before quiting the continent, let us obſerve that the port of *Mobile* will not admit our ſhips of war ſufficient for annoy-

annoyance or protection, and that St. *Auguſtine* and *Penſacola* are in the like condition.

In the courſe of our miniſterial negociation we were amuſed with a vain expectation of the acqueſt of *Porto Rico*, and the other iſlands of importance conquered by us we reſtored to our enemies. Had the ſpirit of our negociation been equal to that of our military operations, beſides obtaining proper ſatisfaction touching the war, we might have ſet the family compact on fire, to our laſting honour, and the delight of thoſe nations who ſo bravely joined with our anceſtors to prevent the union of the *French* and *Spaniſh* monarchies, equally dangerous whether under one prince or one common-council: to which the advocates of our miniſters anſwer, that if this compact had been deſtroyed the parties might have made another, notwithſtanding any agreement reſpecting their ſeverance, not conſidering that our honour at leaſt would thus have been ſaved; and this anſwer ſerves to ſhew how little we can depend on the other paper-ſecurities given us. Upon the whole, we ought to have taken ſubſtantial ſecurity for the good behaviour of *Spain* by keeping the *Havannah* in our hands. For this there was greater reaſon than for retaining *Gibraltar* and *Port Mahon* in conſequence of a war which was the common cauſe of *Europe*; whereas the late war was our own peculiar cauſe, wherein the permanence and proſperity of our naval empire were ſo deeply intereſted; wherefore *Spain* ſhould have been thus prevented from repeating her injurious junction with *France*. Without cauſe they drew their ſwords againſt us, and after parying their deadly thruſts we gave them ſuch wounds as enfeebled and reduced them to that low eſtate whence our miniſters raiſed them; and by giving up ſo great ſources of commerce and naval power enabled them in ſo ſhort time to renew the war; for now the outcries in our ſtreets of our fellow-ſubjects ſeized, and ſecured with violence,

violence, for our defence in the war begun by *Spain*, irreſiſtably proves the malignant nature of the late peace beyond all expreſſion; and the grievous ſacrifice of ſo great national advantages and opportunities gained by our policy and arms clearly ſhews that modern politics, however favorable to ſelf-ſeeking politicians, are by no means calculated to promote the dignity and ſafety of the King and Kingdom.

F I N I S.